



UNITED STATES
PATENT AND
TRADEMARK OFFICE

MAY 7 2003

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application of
Scott Dax et al
Serial No.: 09/552,969
Filed: April 20, 2000
Attorney Docket No.: ORT-1230

: WITHDRAWAL OF ABANDONMENT

This is in response to applicants' petition under 37 CFR 1.181, filed June 4, 2002, requesting revival of the above-identified application based on timely filing of a reply.

A review of the file history shows the examiner mailed a first Office action to applicants on September 22, 2000, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed to applicants on June 19, 2001. Applicants state that a reply was filed on January 19, 2001, including a request for a one month extension of time and fee therefor, and provide a copy of the reply. Based on the statements and evidence of record it is concluded that the reply was timely filed, but never correlated with the file. Applicants copy submitted with the petition will be used in lieu thereof. In view thereof, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

In view of the granting of the petition under 37 CFR 1.181, the petition under 37 CFR 1.137(b) is DISMISSED as moot. In view of the dismissal of this petition the petition fee paid of \$1280.00 will be credited to applicants' Deposit Account No. 10-0750, as directed.

The application will be forwarded to the examiner for further action.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.


Bruce M. Kisliuk
Director, Technology Center 1600